

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MATT AUFFENBERG & JAMES)
AUFFENBERG JR.,)
Plaintiff,)
vs.) NO.: 3:23-cv-1887-GCS
AddMi, Inc.,)
Defendant.)

MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT TO ADD PARTY

COME NOW Plaintiffs, by their undersigned attorneys and for their Motion for Leave to File Amended Complaint pursuant to Federal Rule 15(a)(2), states the following:

1. The original Complaint was filed against defendant, AddMi, Inc.
2. Federal Rules provide that leave shall be given freely when justice so requires. See Fed. R. Civ. P. 15(a).
3. This is a case involving Promissory Notes reflecting loans made by Plaintiffs.
4. It has been determined through discovery and the parallel bankruptcy case, that the proposed additional defendant, Andy Lim needs to be a party to this case.
5. Andy Lim has admitted in his deposition in the bankruptcy case the corporation failed to observe corporate formalities in that the money loaned by Plaintiffs was used to pay Andy's personal loans, repayment to Andy Lim for alleged previous

loans, and payment of the company credit card which was largely used by Andy Lim for his personal expenses.

6. It also appears, Defendant AddMi has had their corporate status voided as a result of non-payment of taxes. Since Andy Lim is clearly the alter ego of the corporation, and the unintended beneficiary of the loans at issue, he is a necessary and indispensable party under Rule 19, as a result, he is a required party to this litigation.
7. Furthermore, based on the results of previous discovery in both this case and the bankruptcy case, it appears the loans were acquired through fraud by Mr. Lim and that he has, during the pendency of this claim, transferred his residence and other assets to other entities.
8. That no prejudice will result from the granting of this Motion.

WHEREFORE, Plaintiffs pray this Court grant their Motion for Leave to File Second Amended Complaint to add Andy Lim and for such further relief as this Court deems just and proper.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, on the 9th day of July 2025, emailed a copy of this document, addressed to:

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